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ABSTRACT

The specific problems of private institutions concerned with faculty collective bargaining are discussed in relation to the National Labor Relations Act. Emphasis is placed on the rationale of and the implications for collective bargaining. The rationale of collective bargaining is viewed in light of the distribution of privileges, private institutions, rights granted under the National Labor Relations Act, financial straits of institutions, the force of power and administration, and organization by nonprofessional employees. Implications of collective bargaining are discussed in relation to the fiscal impact, faculty compensation, faculty governance, job security, and professionalism vs. union ideology. (MJM)

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COLLECTIVE BARGAINING

PROFESSIONAL FILE

THE NATIONAL LABOR RELATIONS ACT AND HIGHER EDUCATION: PROSPECTS AND PROBLEMS

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The following paper was first presented by Dr. Doherty in February 1973 before representatives of participating institutions of the Twelve College Group, an association of private colleges and universities in Pennsylvania. It is being published with the permission of the Institute for Educational Development, which included Dr. Doherty's work in its recent volume, The Twelve College Faculty Appointment and Development Study. *Although this paper addresses itself to the specific problems of private institutions, it should be of interest and value to any individual concerned with faculty collective bargaining.*

As of late Spring 1972, 254 colleges and universities, both public and private, had some form of collective bargaining arrangement with their respective faculties. The overwhelming majority of these institutions, 243 to be exact, is publicly supported. Approximately 130 have two-year programs. Allowing for some duplication where two employee organizations share representation rights, such as at the City University of New York, the bargaining agent breakdown was as follows: National Education Association Affiliates, 65 percent; American Federation of Teacher Affiliates, 25 percent; American Association of University Professors, 5 percent; independent organizations, 5 percent. No data are available on the percentage of the total number of faculty working under a collective bargaining agreement represented by the respective employee organizations. Since the NEA represents the state university and/or college systems in Nebraska, New Jersey, New York, and Pennsylvania, and shares bargaining rights at the City University of New York, it is probably safe to assume that it represents an even higher percentage of organized faculty than it does organized institutions.

Of the eleven privately-supported institutions having collective bargaining arrangements with their faculties, one has an agreement with an NEA affiliate (Monmouth College, New Jersey), three with the AFT (Bryant College, Rhode Island; Long Island University, New York; Pratt Institute, New York), and seven with the AAUP (Dowling College, New York; New York Institute of Technology, New York; Polytechnic Institute of Brooklyn, New York; St. John's University, New York; Bard College, New York; Ashland College, Ohio; Adelphi University, New York).

Why Collective Bargaining?

As to the motives behind this development, perhaps the most pronounced is that the opportunity to organize has tended to engender a need to do so. Speaking for the moment only to developments in the public sector, what that phrase means is that when state legislatures began a few years ago to extend collective bargaining rights to public employees, they placed professors in publicly-supported colleges and universities in competition with all others supported by public funds. Those who remained silent, or continued to pursue normal channels of influence seeking, would, it was felt, have little impact on those in charge

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of the public coffers when other claimants were pressing hard at the bargaining table. This would appear to be as applicable to employees of state colleges and university systems, who must compete for scarce dollars with prison guards and state hospital workers, as it is to professors in county-supported institutions, who are in competition with road workers and deputy sheriffs.

In short, the motive force behind much of the bargaining at public colleges and universities has been the concern by professors in such institutions that they receive their share of available resources. While there are those who see in collective bargaining an effective means of securing what they view as a more equitable manpower policy, this group has not, at least at the university level, been able to achieve a fundamental change in the distribution of wage payments. A case in point is the present bargaining arrangement in the State University of New York. The university's faculty did indeed support collective bargaining in a representation election in 1970, selecting in a runoff election the NEA-supported Senate Professional Association (SPA) over the contending American Federation of Teachers by a vote of 5,491 to 4,795. But the faculty has not supported SPA through payment of membership dues, nor has it pressured the employee organization to demand any really significant changes in methods of salary payments or other aspects of personnel, manpower, or university policy. SPA is dominated, both in leadership and in membership, by non-teaching professionals whose conditions of work have traditionally hued closer to the bureaucratic mold than to the academic. Teaching faculty are happy to accept across-the-board salary increases negotiated by SPA, but they have not encouraged their employee representatives to seek significant changes in existing patterns.

The Distribution of Privileges

To be sure, there are other reasons why so many public college and university faculties have endorsed collective bargaining, beyond that of merely seeking a fair share of limited state or county resources. Bargaining deals effectively with individual administrative abuses and focuses on the allegedly inequitable distribution of privileges, in salary payments, teaching load, and research assistance. But it is nonetheless worth noting that with the obvious exception of certain units of the SUNY system and Rutgers University, few of the public institutions that have opted for collective bargaining have long traditions of flexible and discretionary compensation schemes or of faculty governance.

Thus, the two features of collective bargaining that appear to be so worrisome to college and university officials—non-discretionary salary adjustments and the replacement of a collegial system of governance by labor-management confrontation—are so far much more characteristic of the bargaining agreements of two-year colleges and transformed teachers colleges than those entered into by universities and liberal arts colleges. There are important exceptions to this generalization, as we shall see, but manifestations of faculty disenchantment with traditional forms of governance and compensation schemes probably will be consequences of collective bargaining rather than basic causes of it.

Collective Bargaining and Private Institutions

It would be premature at this point in time to predict how widespread collective bargaining in private colleges and universities will become. To date, those faculties in private institutions opting for some form of collective bargaining seem to have done so for reasons unique to their respective employment arrangements. The number of such institutions is so small and they are so different in size and character that it is impossible to make any generalization as to why these faculties decided to bargain collectively. There appears to be no pattern in terms of salaries or percentage of tenured faculty (to cite two possible determinants) that would distinguish organized from unorganized private campuses. Indeed, the organized institutions are far from being at the lower end of the spectrum either in salaries or in percentage of tenured faculty members.

It is true that those private institutions whose faculties have chosen to organize generally are not among those that have substantial reputations for scholarly output, nor are they among the most selective in student admission requirements. But neither are they at the bottom of the heap. The most notable observation about the organized private institutions is that eight of the eleven happen to be in New York State. All of the eight, moreover, are either in or within commuting distance of New York City. Perhaps the very substantial salary and benefit settlements recently achieved by the bargaining agent in the City University, and to a lesser extent the improvements in working conditions apparently brought about because of bargaining in the State University and nearby community colleges, provided a psychological incentive to organize to the faculties of nearby institutions.

While one may question whether or not collective bargaining in private institutions will ever reach the level it has reached in public institutions, there are forces at work which will engender an increasing

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amount of activity in this area. The principal forces are outlined below.

Rights Granted Under
The National Labor Relations Act

In 1971, the National Labor Relations Board (NLRB) assumed jurisdiction over faculties of private colleges and universities, thereby granting to them the same rights enjoyed by other private-sector employees whose employers are engaged in a significant amount of interstate commerce. What these rights mean, in short, is that if a majority of any given faculty favor bargaining and select a bargaining agent for such purpose, the employer is obliged to recognize the bargaining agent and negotiate with it as the exclusive representative of all employees in a designated bargaining unit. Faculty also have the legal right to use the strike as a means of inducing the employer to grant concessions.

Because this statutory right may be the single most important force behind the expansion of collective bargaining to higher education, a brief narrative of the events leading to the establishment of that right is in order. In 1969, various groups of Cornell University employees, librarians, blue collar workers, employees of the New York City office of the School of Industrial and Labor Relations, sought recognition for collective bargaining purposes under the State Labor Relations Act which recently had been amended to extend bargaining rights to employees of nonprofit institutions. This action prompted Cornell to petition for NLRB jurisdiction over the employment arrangement in the university, the university's motive being that the state law had no counterpart to the National Labor Relations Act's union unfair labor practices provisions.

In its decision of June 1970, the NLRB assumed jurisdiction and also established a bargaining unit consisting of nonsupervisory and nonprofessional employees of the university. Subsequently, in November 1970, the board enunciated its "Million Dollar Rule," in which it applied the standard of $1 million annual gross revenue as a minimum to make the board's jurisdiction coextensive with the Commerce Clause of the U.S. Constitution. The board calculated that this standard would bring approximately 80 percent of private colleges and universities and 95 percent of all employees under coverage of the act.

So far, it had not been established that the board's jurisdiction extended to teaching faculty. In the C. W. Post Center of Long Island University decision of April 1971, the employer did not contest the right of faculty to bargain. Employer arguments dealt in the main over the issue of excluding certain personnel from the bargaining unit—supervisors, adjunct professors, librarians.

In the Fordham University case (September 1971), the board dealt for the first time with the argument of whether or not faculty members were eligible to be covered by the act. The employer had contended that no bargaining unit including faculty members would be appropriate since all faculty are supervisors, except those holding the rank of instructor. Traditionally, senior faculty at Fordham exercised *de facto* authority in the selection of junior faculty for promotion and for tenure status. Thus, the university argued, since Section 2(11) of the NLRA excluded from coverage those employees who had authority to "effectively" recommend other employees for promotion, transfer, and discharge, most Fordham faculty should likewise be excluded.

The board was not persuaded by this argument.

Indeed, the board's order does not deal with that particular issue in any meaningful way, except to point out that the faculty acted as a group, rather than on an individual basis, when it exercised its "supervisory authority" in such matters.

The NLRB concluded, moreover, that department chairmen were to be included in the unit; in the earlier C. W. Post case it had ordered that department chairmen be excluded. What this latter decision probably means is that the board will be making its unit determinations on a case-by-case basis, the decision for the most part reflecting the differing roles of faculty and supervisors in different institutions but also reflecting, one suspects, the quality of the arguments made by the opposing parties.

As was pointed out earlier, only eleven college and university faculties have taken advantage of the 1971 NLRB ruling by voting for collective bargaining. Eleven out of approximately 1,500 separate faculties covered by the act does not a revolution make. In a number of cases—Fordham (other than law school faculty), Gonzaga University, Manhattan College, University of Detroit—the majority vote was for "no organization" in representation elections. The NLRB has conducted hearings at Syracuse University and New York University, but no decision has been reached. Should the faculties of these relatively prestigious universities eventually decide to exercise their collective bargaining rights and, more importantly, if rather significant improvements in working conditions are achieved thereby, this lesson will not be lost on other faculties, most of which have up to now held to a wait-and-see attitude. Will the recent NLRB ruling be viewed by faculties as actually providing substantive rights, or will it be seen as merely allowing professors to sleep under the bridge, along with everyone else? Time will tell.

Financial Straits of Institutions

When the fiscal crunch comes, institutions usually reorder their priorities through the application of one of two standards: the expenditure reduction which would do the least damage to the welfare of the enterprise; the affected group which would be the least troublesome. Many, perhaps most, private colleges and universities are in serious financial troubles. Endowments have not kept pace with costs, and tuition rates, except for those of the most prestigious institutions, appear to be highly inelastic in relation to total revenue.

Faculty are keenly aware of this situation. Indeed, it is probably no accident that those institutions which are presently organized, or are possibly about to be organized, have very severe financial problems. One of the purposes of collective bargaining in this context is to see to it that whatever new priorities the board of trustees and or the administration establishes, faculty welfare will not be the chief casualty. Savings would then have to be realized in areas where those affected have less bargaining power.

The Force of Poor Administration

It is frequently argued that management usually gets the kind of labor relations policy it deserves. As we have seen, the extension of collective bargaining rights to private college and university employees has not in itself caused large numbers of faculties to seek bargaining rights. Nor has the fiscal crisis typical of so many institutions engendered a great deal of activity. But when these two factors are joined by a faculty perception of an inept, arbitrary, and capricious administration, the chances are greatly increased that faculty will begin to hanker for collective bargaining. To many it will appear to be a quicker and neater remedy than refurbishment of the faculty senate and the appropriate committees, and otherwise improving upon the accoutrements of faculty governance.

Organization by Nonprofessional Employees

An additional incentive for professors to want to become organized would be a situation in which the collective bargaining efforts of other employees in the same college or university have met with some success. Just as professors in public institutions have been prompted into action by the bargaining activities of other public employees, one can expect that professors in private institutions will begin to act collectively as they see non-professors being granted wage and benefit improvements, the amount of which could account for a disproportionate percentage of the operating budget.

Implications of Collective Bargaining

What implications does collective bargaining have for the welfare of private colleges and universities? The experience so far has been so scanty that if one used this evidence alone, predictions would be useless. One must rely, therefore, on what is known about the behavior of faculties and employee organizations generally, the economic health of private colleges and universities, the frustrations and aspirations of large groups of professors, and the job market. By examining the limited bargaining experience within private colleges and universities and joining that evidence to

a rather loosely constructed behavioral model, one can come up with some tentative conclusions. Areas selected for consideration are: the fiscal impact on the institutions; faculty compensation; governance; job security; and professionalism.

The Fiscal Impact

One of the ironies presented by collective bargaining in private colleges and universities is that the fiscal plight of these institutions serves both as an encouragement and a deterrent to collective bargaining. It has already been suggested that in those instances where the priorities of the administration appear to be at odds with the priorities of the faculty at budget-slashing time, the faculty will have a strong incentive to attempt to blunt the administration's unilateral authority to set those priorities. Collective bargaining appears to be the most effective blunting device available. On the other hand, private colleges and universities operate in a free market, if one can use so crass a term to describe present methods of recruiting students. Private institutions compete with public institutions (these days much more than in the past), not by offering bargain tuition rates, of course, but by offering a different educational experience.

Assuming the inelasticity of tuition rates (higher tuition will not result in more revenue but rather in the movement of students to public institutions) and no dramatic increase in other sources of revenue, the time soon will come when budgetary adjustments brought about by collective bargaining will affect the quality of education. For example, faculty might be willing to trade off salary improvements for an increase in the student teacher ratio, higher work loads, shorter library hours, and or reduction in student counseling. Thus, the advantage many private schools enjoy over public schools could be eroded. This erosion probably would be reflected in a declining number of student applicants, or a lowering of the quality of the applicants, or both. In either case, teaching positions would no doubt become less plentiful and teaching itself less attractive. The union then could become the instrument for lessening job security. Ironically, those most vulnerable to staff cuts would be the younger, non-tenured faculty, who in most instances have been the driving force behind collective bargaining.

This is not to argue that an institution's financial difficulties will prove to be a complete deterrent to collective bargaining, even if the logic of the cause and effect relationship outlined above was shown to be irrefutable. College faculties, in recent years, have demonstrated great capacity for irrationality in their collective thinking. The choice, moreover, may be between immediate gains, which faculties may feel they have an even chance of winning under collective bargaining, and long-run difficulties. Not many of us give all that much weight to long-run prospects, good or bad.

Faculty Compensation

There is a strong egalitarian thrust in collective bargaining. Because it is a majoritarian organization, the union must seek a settlement that will provide the greatest good to the greatest number. Otherwise, the contract probably would not be ratified. Flexible pay arrangements based on management discretion, performance and labor market conditions are anathema to most trade union leaders.

To be sure, those agreements negotiated by the AAUP, which in 1971 reversed its earlier position on collective bargaining and is now in some cases actively campaigning for bargaining rights, have tended to retain the salary and reward structure prevailing prior to formal bargaining. The AAUP is very much concerned that the leveling of benefits soon would result in a leveling (probably downward) of professional talent. The AAUP further argues that the national leadership would never stand still for any of its affiliates negotiating settlements that would sully the association's professional standards. An affiliate that began to reflect majoritarian interests in its bargaining demands or advocated that the collective agreement supersede traditional forms of faculty governance would have its charter removed.

This is the AAUP posture at the moment. Whether it can maintain this position in the face of AFT and NEA competition and faculty concerns to the contrary is one of the most intriguing questions raised by the introduction of bargaining into higher education. If one can draw a lesson from the modification in the attitudes and practices of other professional unions in the matter of flexible versus standardized wage criteria, one begins to wonder how long the AAUP will be able to sustain this position and at the same time hope to compete successfully with the AFT and NEA for bargaining agent status among diverse groups of college faculty.

Another problem faced by the AAUP is whether it can continue to champion the economic cause of professors through its annual publication of college and university salary data and at the same time support bargaining by its affiliates at the campus level. Heretofore, most institutions have cooperated with the AAUP's Committee Z by supplying it with the salary data which formed the basis of the AAUP annual salary ranking of colleges and universities. Now that the AAUP has begun to actively seek the right to

become the collective bargaining agent in a number of universities, some university administrations have become reluctant to supply this information. The reason is simple: an employer who supplies salary data to one "union" is obliged, under penalty of a possible unfair labor practice charge, to supply this information to all employee organizations which have indicated an interest in representing the faculty for collective bargaining purposes. Understandably, many employers have reservations about releasing this data to any and all comers. Not only would the clerical tasks be monumental, since the requests would surely come in different forms, but existing salary arrangements, superficially viewed, could level to an impression that the administration has engaged in salary discrimination between schools, between departments, and between individual professors.

Should the AAUP be denied access to this information, it will surely lose a portion of its unique flavor. No longer able to advance the economic status of professors through nationwide publicity, AAUP activities may be confined to the local campus and to rather traditional collective bargaining. The chances are that when that happens the AAUP soon will become indistinguishable, both in structure and in ideology, from its two chief competitors.

Conceivably, the AAUP in the short run will be able to resist the egalitarian thrust of collective bargaining in most situations where it has won collective bargaining rights. An essential condition for this to happen, however, will be that a sizable number of faculty, particularly younger faculty, would be confident that they have the ability to make their way in a competitive environment in both a professional and an economic sense. They must be similarly confident that the mechanism employed to recognize and reward superior achievement is fair and rational. Unless a substantial number of faculty members have these confidences, neither the traditional nor the present AAUP models will hold much appeal.

A superficial analysis of the characteristics of faculty members in those institutions that have been organized suggests that for the most part they are not risk-takers, nor are they particularly trusting of either their colleagues' or their administrations' willingness or ability to do the right thing by them. This group finds a salary scheme based on such objective standards as experience and graduate degrees much more congenial than any system allowing for collegial or managerial discretion.

A graphic illustration of this point of view can be found in a clause in the current agreement between the Brooklyn Center of Long Island University and Local 1460 of the American Federation of Teachers:

> Employer and Employee agree that as a principle, salary of faculty members should be based on a uniform published schedule with the advancement in annual mandatory steps. There shall be no increment for "merit," nor shall a faculty member be advanced more than his annual increment or be advanced to an annual step to which his years in rank do not entitle him to be advanced. "Merit" can be recognized only through appointment, reappointment, promotion and the granting of tenure.

One suspects that in the above instance the majority of the faculty have little faith either in themselves or in the fairness of the prenegotiated salary arrangement. One suspects as well the Brooklyn Center of Long Island University may begin to encounter some rather serious difficulties in retaining its distinguished faculty members (or at least keeping them on the campus beyond the minimum time required) and in recruiting talented younger professors who would like to have a chance to exploit their talents in a tangible fashion.

Faculty Governance Possibilities

There is such a wide variety of techniques used by college and university faculties for governance purposes that generalizations regarding the impact of bargaining on faculty governance are extremely difficult. However, one can hazard four principles that may be instructive when juxtaposed with typical union demands:

1) Faculty bodies tend to rely on debate and persuasion on the merits of the issues. Unions tend to rely on power. If sufficient power is not available, then the reliance is on tradeoffs and compromises. Issues traded off sometimes are connected; sometimes they bear no logical relationship.

2) Faculty bodies ordinarily are not concerned about improving the employment condition as they are organized for different purposes. Individuals who have been elevated to positions of leadership in governing bodies usually have talents quite remote from satisfying professors' concerns about wages and hours. For most unions, the improvement of working conditions is the primary concern.

3) Faculty bodies tend not to be majoritarian membership organizations. Representatives are selected by a formula allocating seats by departments or schools, reflecting a balance of interest groups. Unions have a unitary membership, allowing for concentration and agreement upon specific issues.

4) Faculty members tend to see their roles as different from the role of the administration in governing the affairs of the university, but not necessarily in conflict with it. Unions tend to see an inherent labor management conflict between faculty and administration. Collective bargaining is seen as the mechanism for reaching temporary resolution of this conflict.

While AAUP affiliates have tended to retain the distinction between the rights and duties of the bargaining agent and the rights and duties of the governing body, NEA and AFT affiliates tend not to. It is not uncommon for agreements negotiated by the NEA and AFT to commit faculty senates and standing committees to courses of action these bodies have not elected to follow. Nor is it uncommon for the bargaining agent to take under its own jurisdiction functions that had traditionally been the prerogatives of the entire faculty or, in some cases, the administration. Some of the demands presented by the Professional Staff Congress (NEA-AFT) to the City University of New York in June 1972 are illustrative of this latter point:

> Any changes in the organization structure and or governance of the university or of individual colleges or units thereof . . . shall require advance consultation and agreement with the Congress.
>
> When necessary new departments shall be created by negotiation with the Congress.
>
> Criteria and standards for personnel actions shall be determined by the Congress for all classroom teachers and for other groups of instructional staff members. Such criteria and standards shall be university-wide.
>
> Guidelines for student questionnaires shall be evolved jointly by the Board (of Trustees) and the Congress, to provide additional input for the semester teaching evaluations.
>
> The President shall not reverse any positive recommendations of either or both the departmental personnel and budget committee and the college-wide personnel and budget committee.

At least, the thrust of the above demands is to make the jurisdiction of the employee organization coterminous with the jurisdiction of the existing governing body. At most, it is to usurp some of the authority presently held by the administration and trustees. Of course, not all employee demands find their way into a collective agreement. They frequently are placed on the table in the hopes of securing an advantageous tradeoff position. But, at the same time, one cannot assume that the union is not serious about these proposals, at least in a broad, albeit ill-defended, philosophical sense. The pressure on the union to put forward similar proposals will no doubt increase if it finds itself unable to deliver on the traditional bread and butter issues. It must justify itself to its members in some fashion; merely taking care of grievances, no matter how capably that important activity is carried out, would probably not be sufficient in itself to attract and hold willing dues payers.

The Issue of Job Security

It is probably no accident that collective bargaining should have gained momentum at a time of burgeoning surpluses of individuals seeking university positions, or that it should have made its greatest inroads in institutions that provide little in the way of procedural safeguards for probationary teachers. American universities presently produce approximately 30,000 doctorates each year, about one-half of which have been absorbed by colleges and universities. By 1980, the yearly production of doctorates will double, according to some estimates, while the demand will probably remain constant or actually decline.

Thus, one finds in many collective agreements and in employee organization demands language that puts a heavy emphasis on procedural and substantive due process in dismissal cases. The trend seems to be toward an arrangement whereby non-tenured faculty may be removed only for "just cause" with the ultimate determination made by an arbitrator. Put in perhaps somewhat exaggerated form, it is the boss's job to bring charges against a professor and the union's job to defend him. Certainly it is the thrust of the present Professional Staff Congress proposals, for example, that peer evaluation shall play a limited role in determining a professor's fitness for continuing service. Because the union function has become indistinguishable from the function of senior faculty in implementing policy concerning tenure and promotion, the union could be placed in an awkward position if it began to press for higher standards for probationary faculty members. For example, a union-dominated committee could recommend discharge of a probationary teacher and, at the same time, the affected teacher could demand that the union stand by its obligation to seek a reversal of that decision.

There is also a question of an arbitrator's capacity to deal judiciously with the issue of just cause in an academic setting. At present, most professors who fail to achieve tenure fail not because they have done something egregiously wrong, but because their performance has been marginal vis-a-vis other aspirants to that position. What criteria does an arbitrator bring to a case where marginality is the issue?

This is not to argue that present arrangements, even in the most prestigious universities, provide for adequate safeguards against arbitrary and capricious

action of senior professors and administrations. Probably the most beneficial aspect of collective bargaining, a process in which most administrators can locate very few benefits, is that it will force upon institutions of higher learning an evaluation and review procedure both more rational and just than had existed before. Probably no other occupation, outside professional athletics and the performing arts, is so characterized by the "sink or swim" attitude that prevails in colleges or universities. Assistant professors are assumed to know what the job requirements are as well as whether their performance has been such as to meet these requirements. Evaluations are frequently made without the probationary professor's knowledge and it is consequently rare that he has an opportunity to respond to a negative evaluation, either by refuting it or by using it as a tool to mend his ways. Ordinarily, a nontenured professor is made officially aware of his shortcomings at the time the axe falls, if even then. Clearly, some remedy is in order. The trick is to devise a scheme wherein safeguards are provided. These safeguards, however, should not become so restrictive that they inadvertently provide for instant tenure. The pressure is on the unions to provide for the latter. Many members pay union dues with that single purpose in mind.

Professionalism Versus Union Ideology

It is a part of the union ideology that "professionalism," as viewed by most college and university administrators and professors, is a myth. According to the former president of the American Federation of College Teachers:

> . . . to remain isolated from his professional association (the union), he (the professor) would be reduced to a powerless individual devoid of professional autonomy, and this must affect his professionalism. If he bands together with his professional colleagues, his autonomy is protected because unionism will redress this imbalance of power. . . . One need only compare the status of professional employees in any field before and after the onset of unionism to see the tangible improvements in the conditions under which the profession is practiced.

The assumptions behind this statement seem to be that colleges and universities are hierarchically organized, that there no longer exists a community of interest between those who occupy top administrative posts and those who merely teach and do research, and that without the power of collective bargaining professors will be helpless before the natural exploitive tendencies of trustees and college presidents. In short, only through unionization will faculty be able to practice their profession in the true meaning of that word.

If this is indeed the case, collective bargaining holds the danger of institutionalizing conflict, probably damaging the climate of trust that heretofore has held so many colleges together. It would probably have little effect on institutions with deeply-rooted traditions of high standards, collegiality, pride in excellence, and affection for the institution. Whether or not faculty in such institutions would resort to bargaining is questionable. But in those institutions where there has already been some slippage in these areas, collective bargaining will probably accelerate the trend toward the trade union, as opposed to the professional, mentality. Once begun, it would be difficult to reverse such a movement, no matter how hard an administration might try to provide the essentials of a professional environment. Such a reversal would have to be a joint administrative-faculty endeavor, and from a faculty perspective collective bargaining may be one way of saying that professors are no longer interested in such a joint enterprise.

Summary and Conclusion

The most important reason why some private college and university faculties are opting to bargain collectively with their administrations is that the National Labor Relations Board has interpreted the National Labor Relations Act so as to allow them to do so. Secondly, the financial difficulties faced by certain institutions have caused some faculties to take the stance that a reduction in faculty welfare will not be among the adjustments made as a consequence of these difficulties. Thirdly, those institutions which lack either the will or the wherewithall to provide an adequate professional environment, and are simultaneously faced with severe financial problems, may become fair game for an organizing drive.

As for its implications, surely collective bargaining will cause new financial strains. Institutions that bargain will be making decisions on the allocations of scarce resources that they would not have otherwise made. One can anticipate that the direction of change will be toward higher allocations for faculty welfare and lower allocations for the provision of other educational services. This assumes, of course, that there will be no significant increase on the revenue side. Secondly, institutions will find it difficult, because of the strong egalitarian and majoritarian pressures generated by the union, to maintain salary arrangements based on flexibility and discretion. Thirdly, if the constituency for academic governance becomes coterminous with the membership in the bargaining unit, the union eventually will probably assume the power and function of the governing body. Fourthly, collective bargaining will speed the movement toward

providing procedural and substantive due process safeguards for probationary teachers, thereby making it somewhat more difficult for institutions to dismiss probationaries for reasons other than blatant wrongdoing. Fifthly, collective bargaining will accelerate the "deprofessionalization" of professors, at least as the term "professional" is generally understood in the academic community.

The future of collective bargaining in private institutions of higher learning is clouded in uncertainty. It may be inevitable that a substantial number of private colleges and universities will, in time, become organized. But it may also be the case that collective bargaining only became inevitable because those who had an opportunity to make alternative choices were at the time persuaded of its inevitability. Some things, apparently, can only be learned through retrospection.

Robbed of its fancy terminology and its sometimes grandiose assumptions, collective bargaining is primarily a device used by workers to get the boss to change his mind. It is the hope of those who support bargaining that things will be different (and better) under it than they were when the boss enjoyed greater authority. Salaries will be higher; the formula for the distribution of salary payments will contain more objective standards, thus assuring more equal treatment; employees will be more secure in their jobs; other issues, about which employees have keen feelings, will be determined bilaterally rather than by the boss alone.

It is characteristic of collective bargaining that the process itself tends to engender employee expectations—expectations that cannot be turned off easily. Employees begin to believe that not only can the boss be prevailed upon to change his mind, but that he also has the wherewithall, tucked away somewhere, to implement whatever the employee organization demands.

Typically, the motive force for getting the employer to change his mind and to put the required resources in the proper place has been the strike, or threat thereof. It already has been suggested that the effect of the strike in higher education is a limited one; in economically marginal private colleges most faculties would probably find it to be counter-productive. But this does not mean that the threat of strike will not be used (and carried through on occasion), nor that the employer will not make important concessions when faced with the real possibility of concerted faculty action. In such circumstances, many employers will have only one concern—the purchase of time. The thinking would probably be along the following line: get through the current year without any obvious disruptions in educational services; don't get a reputation as being a strike-prone institution; try to keep the doors open until some yet-to-be-heard-from benevolent source will bail everyone out. The employee organization probably will be rooting for the employer to succeed in making good use of the time purchased. And perhaps the employer will succeed. This success, however, probably would come at a cost—the sacrifice of educational quality for those institutions which presently have quality programs, and the surrender of the possibility of upgrading programs for those institutions striving to do so. Quality and equality may not be necessarily mutually exclusive objectives, but if it ever should come to a struggle between the two, quality will probably finish a poor second if the advocates of equality are armed with sufficient coercive power.

Collective bargaining may thus make institutions of higher education more congenial places for what Richard Schier has called the *Lumpenprofessoriat*, than for those who prefer that recognition be based on distinction. It is frequently argued that when collective bargaining arrives on the campus, it will be different; it will allow for flexibility in salary arrangements and shun the heavy trade union type emphasis on job security. Professors are professionals, so the argument goes, and everyone knows that professors value individual recognition over equal treatment.

Perhaps. But collective bargaining has an internal dynamic that tends toward egalitarianism and political solidarity. Both egalitarianism and solidarity have their place in our society. The fundamental issue is whether or not they have their place on college and university campuses.

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